



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMP THORNE  
GOVERNORKARL J. DREHER  
DIRECTOR

June 2, 2004

Bret L. Zollinger  
Jolene Zollinger  
5332 Fish Hatchery Road  
Mackay, ID 83251

RECEIVED

JUN 07 2004

Department of Water Resources  
Eastern Region

CERTIFIED MAIL

Re: Failure to Comply with Consent Order dated November 14, 2003

Dear Mr. and Ms. Zollinger:

The Idaho Department of Water Resources (IDWR) visited your points of diversion from the Big Lost River and Parsons Creek on April 21, 2004 and found that you had not complied with the Terms of Agreement of the Consent Order and Agreement signed by you on November 14, 2003.

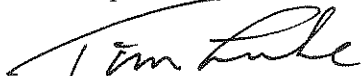
By signing the Consent Order you agreed to complete the following improvements by April 1, 2004.

1. Install an acceptable measuring device on your diversion from the Big Lost River located in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 13, Township 8 North, Range 22 East.
2. Install an acceptable measuring device on your diversion from the Big Lost River located in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 24, Township 8 North, Range 22 East.
3. Install lockable controlling works and an acceptable measuring device on your diversion from Parsons Creek located in the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 24, Township 8 North, Range 22 East.

On April 21, 2004, IDWR observed that you had not begun work on these improvements. As stated in the Terms of Agreement, the Department suspended payment of nine-thousand eight hundred dollars (\$9,800) of the originally proposed civil penalty. This penalty may be re-imposed because of your failure to comply with this agreement. You may also be subject to additional penalties if you are diverting water this year, or in future years, without completing the required improvements.

If you have completed the required improvements since April 21, 2004, please contact Jennifer Berkey at 208-327-7871 or Tim Luke at 203-327-7864 to schedule an inspection. If you do not reply within 14 days of receiving this notice, IDWR will issue a second Notice of Violation and seek compliance with the Consent Order of November 14, 2003, including payment of any suspended civil penalties.

Respectfully,

A handwritten signature in black ink, appearing to read "Tim Luke", written in a cursive style.

Tim Luke

Water Distribution Section

Enclosure

cc: Robert Duke, Watermaster, Water District 34  
IDWR Eastern Region  
File NOV 2003-07-111  
John Homan, Idaho Attorney General's Office

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